

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated October 14, 2005.

Claims 1-9 were pending in this application. According to the October 14, 2005 Office Action, claims 1-3 were rejected and claims 4-9 were allowed. Applicants have amended claims 1 and 3 and added new claims 10-18. Accordingly, claims 1-18 are under consideration. Applicants maintains that the amendments do not introduce any new matter.

### **Allowed Claims 4-9**

Applicants note with appreciation that the Examiner has indicated that claims 4-9 are allowed.

### **Amendments to the Specification**

Applicants have amended the specification at page 27 to correct a typographical error. Specifically, the specification at this page makes reference to Figures 9A and 9B. However, the specification only includes a Figure 9. Accordingly, applicants have amended the specification at this page to make reference only to Figure 9.

### **Amendments to Claims 1 and 3 and New claims 10-18**

Applicants have amended claim 1 to improve its form. Applicants have also amended claim 1 in view of the references cited by the Examiner, as discussed below.

To further protect applicants' invention, applicants have added new claims 10-18, which depend from claim 1.

In accordance with the changes to claim 1, applicants have amended claim 3 and have also amended this claim to depend from new claim 10.

### **Rejection of Claims 1, 2, and 3**

The Examiner rejected previously presented claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Barrere, patent 1,893,979, January 10, 1933 (hereinafter Barrere). The Examiner also rejected previously presented claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barrere in view of Mulinex, patent 3,802,449, April 9, 1974 (hereinafter Mulinex). In response to the Examiner's rejection of claim 1, applicants have amended the claim to now recite both a first and a second water supply outlet, rather than only one water supply outlet. Accordingly, amended claim 1 now recites in part a cleaning device comprising,

a tubular member including a proximate-end portion and a distal-end portion  
...;

a first water supply outlet formed in the distal-end portion of the tubular member ...;

a seal member which is disposed on an outer periphery of the distal-end portion of the tubular member and which is positioned upstream from the first water supply outlet ...;

a second water supply outlet formed in the tubular member and positioned upstream from the seal member ....

Optimally, the pressurized cleaning water from the water supply is independently and separately supplied to the main channel 65 and the sub-channel 66. This helps prevent the cleaning water running only in one direction by a difference in channel resistance between the channels. Especially, the supply of the cleaning water into the thin sub-channel 66 can be prevented from weakening, and both channels 65, 66 can reliably be cleaned without any unevenness. (Please see page 22, line 25 through page 23, line 7 of the instant specification.)

Applicants respectfully submit that Barrere does not teach or suggest amended claim 1. Specifically, Barrere discloses in Figure 2 a device for cleaning drain pipes. The device includes a pipe 10 with a valve 15 in the distal-end portion thereof and an inlet port in the proximate-end portion thereof. A sack 30 surrounds pipe 10 and is positioned upstream from valve 15. As further shown in Figure 2, a second set of openings 12 are formed in pipe 10 and are enclosed/covered by sack 30. In operation, valve 15 and sack 30 are inserted into pipe 25. Water is then injected into pipe 10 through the inlet port. The water initially exits pipe 10 through openings 12, thereby causing sack 30 to fill with water and expand until the sack forms a water-tight contact with pipe 25. Thereafter, the increased water pressure causes valve 15 to open and water to exit into pipe 25, thereby cleaning the pipe.

In rejecting claim 1, the Examiner indicated that Barrere discloses the tubular member, the first water supply outlet, and the seal member of claim 1 through pipe 10, valve 15, and sack 30, respectively, of the Barrere Figure 2 device. Contrary to amended claim 1, however, the device of Barrere Figure 2 does not also include “a second water supply outlet formed in the tubular member and positioned upstream from the seal member.” As indicated above, the device of Barrere Figure 2 includes second set of openings 12 in pipe 10. However, these openings are coincident with sack 30 and are not positioned upstream from sack 30, contrary to claim 1. Accordingly, Barrere does not teach amended claim 1.

Nor is amended claim 1 obvious over Barrere. In particular, Barrere provides no suggestion *or motivation* to reposition openings 12 to be upstream from sack 30. As indicated

above, openings 12 are directed at filling sack 30 with water so that the sack forms a water-tight contact with pipe 25. Repositioning openings 12 to be upstream from sack 30 would prevent the openings from performing this function and as such, there is no suggestion or motivation to make such a change. Similarly, there is no suggestion or motivation to add an additional water supply outlet to pipe 10 upstream from sack 30. In fact, if such an outlet were added to pipe 10, water would exit this outlet and either prevent sack 30 from sufficiently filling with water to seal the pipe, prevent sufficient pressure to open valve 15, or adversely affect the water pressure exiting through valve 15. Adding an additional water supply outlet to pipe 10 as recited by claim 1 would either reduce Barrere's functionality or render it inoperative.

For the foregoing reasons, applicants submit that Barrere does not teach or suggest amended claim 1.

In addition, applicants also respectfully submit that amended claim 1 is not obvious over Barrere in view of Mulinex. Specifically, in rejecting previously presented claim 3, the Examiner indicated that Mulinex discloses a second water supply outlet 58 and that in view of Mulinex it would be obvious to modify the device of Barrere to include a second water supply outlet as taught by Mulinex. Applicants submit that the combination of Barrere and Mulinex does not result in the cleaning device of claim 1.

Specifically, Mulinex discloses in Figures 3 and 4 a pipe flushing device D that includes a member 30 having a hose coupler 20 (inlet port) in a proximate-end portion thereof and first and second outlet ports 57 and 58 in the distal-end portion thereof. In operation, device D is inserted into a pipe P and water is injected into the device through hose coupler 20. As disclosed by Mulinex, the water initially causes member 30 to expand and seal pipe P. Thereafter, water exits through openings 57 and 58.

Given the similar functioning of the Barrere and Mulinex devices, applicants respectfully submit if there could be any obvious combination of Barrere in view of Mulinex, it would be to modify the Barrere device such that a second water supply outlet is disposed in pipe 10 between valve 15 and sack 30. Any other arrangement would reduce the functionality of Barrere, or render it inoperative, as discussed above. Moreover, contrary to amended claim 1, such a second water supply outlet would be positioned downstream from sack 30 and not upstream from sack 30. Accordingly, applicants submit that the combination of Barrere and Mulinex fails to teach or suggest amended claim 1.

With respect to the Examiner's comment in the rejection of claim 3 that adding another water supply outlet to the Barrere device is a duplication/extension of the teachings of Barrere and is thereby obvious (MPEP 2144.04), applicants respectfully submit that the second water supply outlet of claim 1 is not a duplication of valve 15 or openings 12 of the Barrere device. Specifically, the second water supply outlet of claim 1 is positioned upstream from the seal member. Such positioning of the second outlet is different from valve 15, which is positioned downstream from sack 30, and is different from openings 12, which are coincident with sack 30. In addition and as indicated above, it is nonobvious to add a second water supply outlet to pipe 10 that is positioned upstream from sack 30. Accordingly, applicants submit that the second water supply outlet of claim 1 is not merely an obvious duplication/extension of the teachings of Barrere.

Turning to claims 2 and 3 and new claims 10-18, these claims depend from claim 1 and are therefore novel and nonobvious in view of Barrere and Mulinex, alone or in combination, for the same reasons as set forth above for claim 1.

Since Barrere and Mulinex, alone or in combination, fail to teach or suggest applicants' invention as set forth in amended claims 1-3 and new claims 10-18, applicants submit that these claims are clearly allowable. Favorable reconsideration and allowance of these claims are therefore requested.

Applicants earnestly believe that this application is now in condition to be passed to issue, and such action is also respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

However, if the Examiner deems it would in any way facilitate the prosecution of this application, he is invited to telephone applicants' counsel at the number given below.

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 17, 2006

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Respectfully submitted,

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